

REMARKS

The Examiner has made a requirement for an election of species between Species (1) an active ingredient (i.e., Vitamin A₁) and Species (2) a specific species of one or more other ingredients necessary for a human being. This requirement for an election of species is respectfully traversed.

Because of the close interrelationship between all of the claims of the claims of the present application, it is believed that Species (1) and Species (2) are properly examinable as being part and parcel of the same invention. Thus, Species (2), such as trace inorganic compounds, ingredients necessary for a human being, organic acids and amino acids are substantially optional ingredients as can be inferred from the original structure of claim 1. However, in order to comply with the Examiner's requirement, the Applicant elects to prosecute Species (1), that is where the active ingredient is a vitamin or a set of vitamin species but specifically reserves the right to file a separate application directed to the non-elected species (2) directed to ingredients necessary for a human being. Although claims 1 and 3 were considered to be generic, the Examiner will note that claims 1-4 have been amended to delete the non-elected species (2) and claims 5-8 have been added to the present application to cover the non-elected species (2). It is understood that claims 5-8 will be withheld from prosecution by the Examiner as not being readable on the elected invention.

Accordingly, in view of the above amendments and remarks, reconsideration of the requirement for an election of species and an action on the merits of all of the claims of the present application are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joseph A. Kolasch Reg. No. 22,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/618,818
Amendment dated March 21, 2007
Reply to Office Action of January 22, 2007

Docket No.: 1599-0299PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: March 21, 2007

Respectfully submitted,

By 

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